

## **ARKANSAS COURT OF APPEALS**

### **PROCEEDINGS OF OCTOBER 7, 2015**

#### **ROBERT J. GLADWIN, CHIEF JUDGE:**

[CV-15-48](#). Ashely Newby v. David Newby, from Benton County Circuit Court. Affirmed. Virden, Glover, and Vaught, JJ., agree. Whiteaker and Hoofman, JJ., dissent.

[CV-15-170](#). Brenda Henderson v. Tyson Foods, Inc., from Jefferson County Circuit Court. Affirmed. Whiteaker and Hoofman, JJ., agree.

#### **RAYMOND R. ABRAMSON, JUDGE:**

[CR-15-102](#). Terkessa Stone v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Harrison and Brown, JJ., agree.

[CV-14-463](#). Timothy Hollis v. Fayetteville School District No. 1 of Washington County, Arkansas; Tim Hudson; Jim Halsell; Bryn Bagwell; Justin Eichman; Traci Farrah; Susan Heil; Steve Percival; Vicki Thomas; and Steve Jacoby, from Washington County Circuit Court. Affirmed. Harrison and Brown, JJ., agree.

[CV-15-210](#). Ashley Olinghouse v. Phillip Olinghouse, from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Harrison and Brown, JJ., agree.

[CV-15-461](#). Caroline Adams v. Arkansas Department of Human Services and E.F., a Minor, from Washington County Circuit Court. Motion to withdraw denied without prejudice; rebriefing ordered. Harrison and Brown, JJ., agree.

#### **BRANDON J. HARRISON, JUDGE:**

[CV-14-353](#). Jeannie Sherman v. Raymond Boeckmann, from Cross County Circuit Court. Appeal dismissed. Abramson and Brown, JJ., agree.

[CV-14-976](#). Platinum Peaks, Inc. v. Shirley Bradford, from Van Buren County Circuit Court. Affirmed. Gruber and Hixson, JJ., agree.

CV-14-1096. Jeannie Sherman v. Raymond Boeckmann, from Cross County Circuit Court. Rebriefing ordered. Abramson and Brown, JJ., agree.

[CV-15-56](#). Mai Sawada v. Walmart Stores, Inc., and Walmart Stores Arkansas, LLC, d/b/a Walmart Supercenter #58, from Pope County Circuit Court. Affirmed in part; reversed and remanded in part. Kinard and Glover, JJ., agree.

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#### M. MICHAEL KINARD, JUDGE:

[CR-15-152](#). Matthew Brian Burnside v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Gruber and Hixson, JJ., agree.

[CV-15-393](#). Heather Kelley v. Arkansas Department of Human Services, from Conway County Circuit Court. Affirmed; motion to withdraw granted. Gruber and Hixson, JJ., agree.

[CV-15-487](#). Jessica Merritt v. Arkansas Department of Human Services, from Garland County Circuit Court. Affirmed. Gruber and Hixson, JJ., agree.

#### RITA W. GRUBER, JUDGE:

[CR-15-130](#). Andre Lamont Williams v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Kinard and Hixson, JJ., agree.

#### DAVID M. GLOVER, JUDGE:

[CR-15-132](#). Jason Mundell v. State of Arkansas, from Crawford County Circuit Court. Reversed and dismissed. Virden and Vaught, JJ., agree.

[CV-15-178](#). SEECO, Inc.; Joyce Walls; and Jack G. Walls and Joyce J. Walls as Co-Trustees of the Jack G. Walls and Joyce J. Walls Revocable Trust v. Carver L. Holden; Chesapeake Operating, Inc.; Chesapeake Exploration, Limited Partnership; Chesapeake Exploration, LLC; Chesapeake Investments; BP America Production Company; BHP Billiton Petroleum (Fayetteville), LLC; and Riverbend Exploration and Production, LLC, from White County Circuit Court. Reversed and remanded. Virden and Vaught, JJ., agree.

[CV-15-415](#). Roy McMahan v. Arkansas Department of Humans Services and Minor Child, from Washington County Circuit Court. Affirmed. Virden and Vaught, JJ., agree.

#### PHILLIP T. WHITEAKER, JUDGE:

[CR-15-281](#). Trent A. Kimbrell v. State of Arkansas, from Polk County Circuit Court. Supplemental addendum ordered. Gladwin, C.J., and Hoofman, J., agree.

[CV-15-414](#). Linda Mullen v. Arkansas Department of Human Services and Public Employees Claims Division, Arkansas Insurance Department, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin, C.J., and Hoofman, J., agree.

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#### LARRY D. VAUGHT, JUDGE:

[CR-15-131](#). Jeffery Brasuell v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Virden and Glover, JJ., agree.

[CV-15-347](#). Arkansas Federal Credit Union v. Eleanor Pigg, from Pulaski County Circuit Court, Fifth Division. Dismissed in part; affirmed in part. Virden and Glover, JJ., agree.

#### KENNETH S. HIXSON, JUDGE:

[CR-15-139](#). Ramon Perez v. State of Arkansas, from Lonoke County Circuit Court. Remanded to supplement the record; supplemental addendum ordered. Kinard and Gruber, JJ., agree.

[CV-15-51](#). Elizabeth James (formerly Walchli) v. Butch Lee Walchli, from Sebastian County Circuit Court, Greenwood District. Affirmed. Kinard and Gruber, JJ., agree.

#### CLIFF HOOFFMAN, JUDGE:

[CR-15-112](#). Lori Rose v. State of Arkansas, from Polk County Circuit Court. Affirmed. Gladwin, C.J., and Whiteaker, J., agree.

[CV-15-497](#). Emerson Gregrich and Jamie Gregrich v. Arkansas Department of Human Services, from Benton County Circuit Court. Affirmed. Gladwin, C.J., and Whiteaker, J., agree.

#### WAYMOND M. BROWN, JUDGE:

[CR-15-298](#). Robert Chandler Harris v. State of Arkansas, from Pulaski County Circuit Court, First Division. Remanded with instructions. Abramson and Harrison, JJ., agree.

#### PER CURIAM DECISIONS

**The following cases appealed from the Arkansas Board of Review are affirmed without written opinion pursuant to Supreme Court Rule 5-2(f).**

E-15-230. Lera Pemberton v. Director et al.

E-15-232. LaTiffany Williams v. Director et al.

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- E-15-233. Gregory Carlson v. Director et al.
- E-15-234. Jesus Ballesteros v. Director et al.
- E-15-235. Reven Clark v. Director et al.
- E-15-236. Scott Harper v. Director et al.
- E-15-237. Sharon Rodden v. Director et al.
- E-15-238. Tomika Starks v. Director et al.
- E-15-239. Odell Christopher v. Director et al.
- E-15-240. Sherry Moore v. Director et al.
- E-15-241. Joey Armster v. Director et al.
- E-15-243. Frank Warren v. Director et al.
- E-15-244. Kristine Tran v. Director et al.
- E-15-245. Vinetta Cross v. Director et al.
- E-15-246. Jeffery McKinney v. Director et al.
- E-15-247. Harvie Fingers v. Director et al.
- E-15-248. Richard Dolls v. Director et al.
- E-15-249. Shelly Frisbee v. Director et al.
- E-15-250. Kyani Fobbs v. Director et al.
- E-15-251. Thelma Green v. Director et al.
- E-15-252. Meagan Evans v. Director et al.
- E-15-253. Schuyler Jones v. Director et al.

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E-15-254. Duane Ragsdale v. Director et al.

E-15-255. Vickie Aubrey v. Director et al.

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**PER CURIAM ORDERS**

PETITIONS FOR REHEARING: Petitions for rehearing were denied today in the following cases.

CR-15-30. Tara Watts v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CV-14-359. Yosef Kapach v. Bettine Field Carroll, from Marion County Circuit Court.

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CR-14-678. Calvin D. Tatum v. State of Arkansas, from Monroe County Circuit Court. Motion of Robert M. “Robby” Golden for award of attorney’s fees and costs is granted. Allowed \$1,200.00.

CR-14-997. Claude Smith v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of Lee D. Short for attorney’s fees is granted. Allowed \$1,800.00.

CR-14-1041. Frank Starling, Jr. v. State of Arkansas, from Miller County Circuit Court. Motion of William A. McLean for attorney’s fees is granted. Allowed \$1,800.00.

CR-14-1047. Jimmy Europe v. State of Arkansas, from Sevier County Circuit Court. Motion of William O. “Bill” James, Jr., for attorney’s fees is granted. Allowed \$1,800.00.

CR-15-37. Rebecca Scott v. State of Arkansas, from Little River County Circuit Court. Motion of William O. “Bill” James, Jr., for attorney’s fees is granted. Allowed \$1,800.00.

CR-15-229. Kenyon Taylor v. State of Arkansas, from Garland County Circuit Court. Pro se motion for a copy of the transcript is denied.

CR-15-229. Kenyon Taylor v. State of Arkansas, from Garland County Circuit Court. Pro se motion for extension of time to submit points for reversal is granted.

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CV-13-949. Kimberly Stibich v. Adam S. Stibich, from Garland County Circuit Court. Appellee's motion and amended motion to unseal and motion to dismiss appeal; or in the alternative, motion to stay briefing schedule until disposition of this motion and to extend page limit by ten pages; and motion for clarification as to which argument to respond. Motion to unseal is denied. Virden, Harrison, and Vaught, JJ., would grant. Motion to dismiss appeal is denied. Motion to stay briefing schedule until disposition of motions is granted. Motion to extend page limit by ten pages is granted. Harrison, Whiteaker, and Brown, JJ., would deny. Motion for clarification as to which argument to respond is denied.

CV-15-86. Dennis Coleman et al. v. Auxora Arms 2007, LLC; Latrese Atkins; and CenterPoint Energy Arkansas Corporation, from Pulaski County Circuit Court, Third Division. Status report is denied.

CV-15-366. Marcus Shane Wilson v. Edie Lynne Wilson, from Cross County Circuit Court. Appellant's motion to supplement record is granted.

CV-15-366. Marcus Shane Wilson v. Edie Lynne Wilson, from Cross County Circuit Court. Appellant's supplement to motion to supplement record is moot.

CV-15-642. Kroger Limited Partnership I v. Helen Thomas, from the Arkansas Workers' Compensation Commission. Appellant's motion to remand appeal to Arkansas Workers' Compensation Commission and stay appeal pending order of Arkansas Workers' Compensation Administrative Law Judge on joint petition settlement agreement and alternative motion for extension of time to file appellant brief is moot.

CV-15-642. Kroger Limited Partnership I v. Helen Thomas, from the Arkansas Workers' Compensation Commission. Appellant's amended joint motion to remand appeal to Arkansas Workers' Compensation Commission and stay appeal pending order of Arkansas Workers' Compensation Administrative Law Judge on joint petition settlement agreement and alternative amended joint motion for extension of time to file appellant brief is granted.

CV-15-650. Michael Edwards v. Arkansas Department of Human Services and Minor Child, from Mississippi County Circuit Court, Chickasawba District. Appellant's motion to enlarge page limit and to stay brief deadline is granted. Whiteaker and Brown, JJ., would deny.

E-15-429. Shelley Jaquez v. Director et al., from the Arkansas Board of Review. Pro se motion to add additional evidence is denied.

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E-15-461. Richard Johnson v. Director et al., from the Arkansas Board of Review. Pro se motion to add additional evidence is denied.

E-15-487. Shakena Reed v. Director et al., from the Arkansas Board of Review. Pro se motion to add additional evidence is denied.



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**MOTIONS SUBMITTED**

**PETITION FOR REHEARING:**

CV-15-39. Kelly F. Jones v. Michael J. Jones, from Lonoke County Circuit Court.

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CR-15-617. Jamie Shawn McCall v. State of Arkansas, from Faulkner County Circuit Court. Pro se motion to supplement the record.

CR-15-774. Frank Schermerhorn v. State of Arkansas, from Van Buren County Circuit Court. Appellant's motion to seal record.

CR-15-786. Lacresha N. Pugh Hayes v. State of Arkansas, from Bradley County Circuit Court. Motion of Timothy R. Leonard to be relieved and for appointment of new counsel.

CV-14-674. Tricia Dundee v. Brenda Horton and GEICO General Insurance Company, from Sebastian County Circuit Court, Greenwood District. Appellant's motion to file belated reply brief.

CV-15-123. Alicia Dawn Neumann v. Lloyd Draughton Smith, from Miller County Circuit Court. Appellee's motion to exceed page limit.

CV-15-350. Thomas Ural Fallin, III v. Kathy LeeAnne Fallin, from Columbia County Circuit Court. Appellant's motion to seal portions of the record and to seal portions of the addendum and for extension of time.

CV-15-420. Vicki Silver v. Beverly Joslin, from Pulaski County Circuit Court, Twelfth Division. Appellant's pro se motion to supplement the record.

CV-15-523. Connie Watkins and Richard Watkins v. Paragould Light and Water Commission and City of Paragould, from Greene County Circuit Court. Appellants' pro se amended motion, clarification and motion for reconsideration of the denial of appellants' motion to increase the page limit of brief.

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### **MOTIONS SUBMITTED**

CV-15-523. Connie Watkins and Richard Watkins v. Paragould Light and Water Commission and City of Paragould, from Greene County Circuit Court. Appellants' pro se motion requesting disqualification of Judges Glover, Vaught, Gladwin, and Whiteaker.

CV-15-523. Connie Watkins and Richard Watkins v. Paragould Light and Water Commission and City of Paragould, from Greene County Circuit Court. Appellants' pro se motion to stay the appeal.

CV-15-523. Connie Watkins and Richard Watkins v. Paragould Light and Water Commission and City of Paragould, from Greene County Circuit Court. Appellants' pro se motion for additional extension of time.

CV-15-523. Connie Watkins and Richard Watkins v. Paragould Light and Water Commission and City of Paragould, from Greene County Circuit Court. Appellants' pro se motion for clarification of parties and legal party names for reduction of continued prejudice to the appellants.

CV-15-523. Connie Watkins and Richard Watkins v. Paragould Light and Water Commission and City of Paragould, from Greene County Circuit Court. Appellants' pro se dual motion 1) to supplement the record and 2) to supplement appellants' pro se motion for reconsideration of the denial of motion to increase the page limit of brief.

CV-15-523. Connie Watkins and Richard Watkins v. Paragould Light and Water Commission and City of Paragould, from Greene County Circuit Court. Appellants' pro se motion to supplement motions 1) requesting disqualification of Judges Glover, Vaught, Gladwin, and Whiteaker and 2) to stay the appeal.

CV-15-523. Connie Watkins and Richard Watkins v. Paragould Light and Water Commission and City of Paragould, from Greene County Circuit Court. Appellants' pro se motion for dismissal of the ambiguous response to motion requesting disqualification of Judges Glover, Vaught, Gladwin, and Whiteaker and supplement to appellants' motion to clarify parties.

CV-15-523. Connie Watkins and Richard Watkins v. Paragould Light and Water Commission and City of Paragould, from Greene County Circuit Court. Appellants' pro se motion to dismiss the non-party response to appellants' motion to stay the appeal.

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### **MOTIONS SUBMITTED**

CV-15-622. Felicia Farris, M.D. v. Cynthia L. Conger, C.P.A., et al., from Pulaski County Circuit Court, Third Division. Appellees' motion to strike and to dismiss the appellant's motion for extension of brief time.

CV-15-664. Karen Granger and Brian Granger v. Farm Bureau Mutual Insurance Company of Arkansas, from Crittenden County Circuit Court. Appellee's motion to dismiss and stay briefing schedule.

CV-15-664. Karen Granger and Brian Granger v. Farm Bureau Mutual Insurance Company of Arkansas, from Crittenden County Circuit Court. Motion of separate defendant Mark Baber for clarification and adoption of Farm Bureau Mutual Insurance Company of Arkansas' motion to dismiss appeal.

CV-15-728. Joe T. Benton III et al. v. Bruce Smith and Jan Smith, from Cleburne County Circuit Court. Appellants' motion to consolidate appeals.

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### **CASES SUBMITTED**

CR-14-783. Kamran Tyshun Jackson v. State of Arkansas, from Conway County Circuit Court.

CR-14-835. Jay Jones v. State of Arkansas, from Pope County Circuit Court.

CR-14-983. Richard Springer v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-15-85. Tyler Jordan Means v. State of Arkansas, from Garland County Circuit Court.

CR-15-157. Jackie Collins v. State of Arkansas, from Crittenden County Circuit Court.

CR-15-241. John David Ross v. State of Arkansas, from Garland County Circuit Court.

CR-15-253. Deshaun Scott v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division.

CR-15-284. Jerrian Kendall Harris v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-15-307. Richard Randal Kourakis v. State of Arkansas, from Sharp County Circuit Court.

CR-15-311. Marco D. Lee v. State of Arkansas, from Crittenden County Circuit Court.

CV-14-767. Air Masters Mechanical, Inc.; William Bryan Crumley; and Rhonda Crumley v. Goodman Distribution, Inc., from Cleburne County Circuit Court.

CV-15-42. Stephens Production Company v. Kathy Bennett, Assessor; Sylvia Knoles, Collector; and Franklin County, Arkansas, from Franklin County Circuit Court, Northern District.

CV-15-106. First United Methodist Church of Ozark v. Harness Roofing, Inc., et al., from Franklin County Circuit Court, Northern District.

CV-15-158. Debra Mason v. Charles Mason, from Pulaski County Circuit Court, Fourteenth Division.

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### **CASES SUBMITTED**

CV-15-183. James Kelley and Jewell Kelley v. Cindy Williams, from Union County Circuit Court.

CV-15-191. Sergio Trujillo v. TK Martial Arts Academy, LLC, et al., from Benton County Circuit Court.

CV-15-203. Richard Burleigh v. Center Point Contractors, Inc., from Benton County Circuit Court.

CV-15-207. TFS of Gurdon, Inc. v. Kay Hook, from Hot Spring County Circuit Court.

CV-15-236. Michelle Treat v. Jerry Hyde, from White County Circuit Court.

CV-15-465. Tyson Foods, Inc. v. Jose Turcios, from the Arkansas Workers' Compensation Commission.

CV-15-568. Jordyn Billingsley v. Arkansas Department of Human Services et al., from Jefferson County Circuit Court.

### **The following cases are appeals from the Arkansas Board of Review.**

E-15-281. Tonilesa Johnson v. Director et al.

E-15-282. Milissa Hartsell v. Director et al.

E-15-283. Paul Jenkins v. Director et al.

E-15-284. Tonya Curl v. Director et al.

E-15-285. Louis Kelm v. Director et al.

E-15-286. James Morgan v. Director et al.

E-15-287. Ricky Martin v. Director et al.

E-15-288. Maresha Williams v. Director et al.

E-15-289. Sherri Harris v. Director et al.

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- E-15-290. Dwayne Jones v. Director et al.
- E-15-291. Miguel Johnson v. Director et al.
- E-15-292. AG Resource Management, LLC v. Director et al.
- E-15-293. Tenae Wilson v. Director et al.
- E-15-294. Billy Moore v. Director et al.
- E-15-295. Kevin Smith v. Director et al.
- E-15-296. Larry Mingo v. Director et al.
- E-15-297. Ashonda McKinzie v. Director et al.
- E-15-298. Dolly Zabrdac v. Director et al.
- E-15-299. Alyssa Soucy v. Director et al.
- E-15-300. Christy Fitch v. Director et al.
- E-15-301. K & B Transportation, Inc. v. Director et al.
- E-15-302. Mary Moore v. Director et al.
- E-15-303. Norbert Knox v. Director et al.
- E-15-304. Deangelo Braddock v. Director et al.